

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LARUS BARNASON and JANICE )  
BARNASON, )  
                ) )  
                Plaintiffs, )         4:03CV3166  
                ) )  
                v. ) )  
                ) )  
GARVEY ELEVATORS, )         MEMORANDUM AND ORDER  
                ) )  
                ) )  
                Defendant. ) )  
                ) )  
RAYMOND SCHUTTE, et al., ) )  
                ) )  
                Plaintiffs, )         4:04CV3009  
                ) )  
                v. ) )  
                ) )  
GARVEY ELEVATORS, ) )  
                ) )  
                ) )  
                Defendant. ) )  
                ) )  
DAVID JOHNSON, et al., ) )  
                ) )  
                Plaintiffs, ) )  
                ) )  
                v. )         4:04CV3010  
                ) )  
GARVEY ELEVATORS, ) )  
                ) )  
                ) )  
                Defendant. ) )  
                ) )  
JOHN J. URICH, ) )  
                ) )  
                ) )  
                Plaintiff, )         4:04CV3011  
                ) )  
                v. ) )  
                ) )  
GARVEY ELEVATORS, ) )  
                ) )  
                ) )  
                Defendant. ) )  
                ) )

A telephonic conference was held with counsel on this date to determine the availability of plaintiff's counsel for trial on October 24, 2005, and to establish an alternative trial date if necessary. In accordance with the discussion during the conference,

IT IS ORDERED:

1. The plaintiffs' unopposed oral motion to continue the trial is granted.

2. Jury trial of these cases is set to commence on October 31, 2005 at 9:00 a.m., for a duration of five trial days before the Honorable Richard G. Kopf in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be held at commencement of trial.

3. In the event the trial of this case does not commence during the week of October 31, 2005, the trial will be continued to the court's December 12, 2005 trial docket.

4. A telephonic hearing with the undersigned is scheduled for Wednesday, October 26, 2005 at 1:00 p.m. to discuss the current status of the parties' settlement negotiations. Counsel for the plaintiff shall place the call.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge